IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 4476 of 2005

Between:

M. Nagaraja Naidu, S/o. M. Seetharamaiah Naidu,
Aged 45 years, Transport Operator,

R/o. Appinepalli Village, Kagathi Post,
Chowdepalli Mandal, Chittoor District.

..... PETITIONER

AND

The Deputy Transport Commissioner & Secretary,
Regional Transport Authority, Chittoor.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to Issue a writ of mandamus or any other writ, order or direction, declaring the action of the respondent herein in seizing the petitioner's vehicle bearing Registration No.KA.15/0113 on 3.3.2005 under check report No.1807495, as illegal and arbitrary and further direct the respondent to release the said vehicle forthwith.

Counsel for the Petitioner: MR.NOUSHAD ALI

Counsel for the Respondent: GP FOR TRANSPORT

The Court, at the stage of admission, made the following:

ORDER:

This writ petition is filed seeking a mandamus to declare the action of the respondent in seizing and detaining the petitioner's vehicle bearing No.KA 15 0113 vide Check Report No.1807495, dated 03-03-2005, as illegal and arbitrary.

The petitioner claims that he is the owner of the vehicle bearing No.KA 15 0113 and that his vehicle was seized vide Check Report No. 1807495, dated 03-03-2005, for violation of certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder.

Whether the petitioner has violated certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder, has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. Therefore, the respondent is directed to release the petitioner's vehicle bearing No.KA 15 0113, on the following terms and conditions:

1. *that the petitioner shall not alienate or transfer the vehicle.*
2. *that the petitioner shall not remove the spare parts of the vehicle.*
3. *that the petitioner shall produce the vehicle as and when required before the competent authority.*
4. *that the petitioner shall pay the taxes due, if any, as on today, and*
5. *that the petitioner shall produce all the original documents standing in his name.*

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

07th March, 2005.

Note:

Wire at party's cost.

B/o Lrkm.

To

1. The Deputy Transpaort Commissioner & Secretary,
Regional Transport Authority, Chittoor.

2. 2 CCs to the Government Pleader for Transport, High Court

Buildings, High Court of A.P., Hyderabad (O.U.T)

3. CD copies.

*Form-NIC-OGS/WP{**JGK**}*